

## SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

### PART 2928—BONDS AND INSURANCE

#### Subpart 2928.2—Sureties and Other Security for Bonds

Sec.

2928.204 Alternatives in lieu of corporate or individual sureties.

#### Subpart 2928.3—Insurance

2928.305 Overseas workers' compensation and war hazard insurance.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 69 FR 22991, Apr. 27, 2004, unless otherwise noted.

#### Subpart 2928.2—Sureties and Other Security for Bonds

2928.204 Alternatives in lieu of corporate or individual sureties.

Upon receipt of any of the types of securities listed in FAR 28.201 or FAR 28.203, the contracting officer must verify the validity of the security and coordinate the retention of the security with the Chief Financial Officer. Contracting officers may obtain access to Department of Treasury Circular 570 through the Internet at <http://www.fms.treas.gov/c570/index.html>.

#### Subpart 2928.3—Insurance

2928.305 Overseas workers' compensation and war hazard insurance.

The authority of the Agency Head to recommend to the Secretary of Labor waiver of the applicability of the Defense Base Act (42 U.S.C. 1651, *et seq.*) to any contract, subcontract, work location, or classification of employees, is delegated to the HCA.

### PART 2929—TAXES

#### Subpart 2929.1—General

Sec.

2929.101 Resolving tax problems.

#### Subpart 2929.3—State and Local Taxes

2929.303 Application of state and local taxes to Government contractors and subcontractors.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 69 FR 22991, Apr. 27, 2004, unless otherwise noted.

#### Subpart 2929.1—General

2929.101 Resolving tax problems.

Contract tax problems or questions must be referred by the contracting officer to the Office of the Solicitor for resolution.

#### Subpart 2929.3—State and Local Taxes

2929.303 Applications of state and local taxes to Government contractors and subcontractors.

(a) Contractors may only be treated as agents of the Government for the purposes set forth in FAR 29.303(a) upon the written review and approval of the Assistant Secretary for Administration and Management.

(b) Requests for approval under paragraph (a) of this section must be submitted by the HCA through the Office of the Solicitor, to the Division of Acquisition Management Services, for further action.

### PART 2930—COST ACCOUNTING STANDARDS ADMINISTRATION

#### Subpart 2930.2—CAS Program Requirements

Sec.

2930.201-5 Waiver.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 69 FR 22991, Apr. 27, 2004, unless otherwise noted.

#### Subpart 2930.2—CAS Program Requirements

2930.201-5 Waiver.

(a) The HCA is authorized to waive CAS requirements as provided in FAR 30.201-5.

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(b) Requests for waivers under paragraph (a) of this subsection must be prepared by the contracting officer as prescribed in FAR 30.201-5(e) and submitted to the HCA.

### **PART 2931—CONTRACT COST PRINCIPLES AND PROCEDURES**

#### **Subpart 2931.1—Applicability**

Sec.

2931.101 Objectives.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 69 FR 22991, Apr. 27, 2004, unless otherwise noted.

#### **Subpart 2931.1—Applicability**

##### **2931.101 Objectives.**

Individual and class deviations from cost principles in FAR part 31 must be processed as prescribed in DOLAR subpart 2901.4.

[69 FR 22991, Apr. 27, 2004]

### **PART 2932—CONTRACT FINANCING**

#### **Subpart 2932.4—Advance Payments for Non-Commercial Items**

Sec.

2932.402 General.

2932.407 Interest.

#### **Subpart 2932.7—Contract Funding.**

2932.703 Contract funding requirements.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 69 FR 22991, Apr. 27, 2004, unless otherwise noted.

#### **Subpart 2932.4—Advance Payments for Non-Commercial Items**

##### **2932.402 General.**

The HCA is authorized to approve determinations and findings as well as contract terms for advance payments. The contracting officer must submit a recommendation for approval or disapproval of the contractor's request to the HCA.

##### **2932.407 Interest.**

The HCA may authorize advance payments without interest pursuant to FAR 32.407.

#### **Subpart 2932.7—Contract Funding**

##### **2932.703 Contract funding requirements.**

(a) Except in unusual circumstances, the contracting office may not issue solicitations until an approved procurement request (PR), containing a certification that funds are available, has been received. However, the contracting office may take all necessary actions up to the point of contract obligation before receipt of the PR certifying that funds are available when:

(1) The Assistant Secretaries, Inspector General, Bureau Chief, Deputy Under Secretary, Solicitor of Labor, Commissioner, or Director of the Women's Bureau certifies that such action is necessary to meet critical program schedules for their program area;

(2) The Budget Officer certifies that program authority has been issued and funds to cover the acquisition will be available before the date set for receipt of proposals;

(3) The solicitation includes the clause at FAR 52.232-18, Availability of Funds.

(b) The contracting office may not open bids/close solicitations until a PR, either planning or final, has been received that contains a certification of fund availability. Only the project or program official with the authority to commit funds from the agency that initiated the PR may make that written certification.

(c) The project or program office that initiated the PR is responsible for obtaining required certifications.

### **PART 2933—PROTESTS, DISPUTES, AND APPEALS**

#### **Subpart 2933.1—Protests**

Sec.

2933.102 General.

2933.103 Protests to the agency.

2933.104 Protests to GAO.

#### **Subpart 2933.2—Disputes And Appeals**

2933.203 Applicability.